

ALASKA STATE LEGISLATURE
HOUSE SPECIAL COMMITTEE ON MILITARY AND
VETERANS' AFFAIRS

February 13, 2001
3:39 p.m.

MEMBERS PRESENT

Representative Mike Chenault, Chair
Representative Beverly Masek
Representative Lisa Murkowski
Representative Joe Green
Representative Pete Kott
Representative Joe Hayes

MEMBERS ABSENT

Representative Sharon Cissna

COMMITTEE CALENDAR

SENATE JOINT RESOLUTION NO. 3
Relating to the deployment of F-22 Raptor aircraft at Elmendorf
Air Force Base.

- MOVED HCS SJR 3(MLV) OUT OF COMMITTEE

CS FOR SENATE JOINT RESOLUTION NO. 8(STA)
Relating to supporting polling places at military installations.

- MOVED HCS CSSJR 8(MLV) OUT OF COMMITTEE

PREVIOUS ACTION

BILL: SJR 3

SHORT TITLE:F-22 RAPTOR AIRCRAFT AT AFB

SPONSOR(S): SENATOR(S) LEMAN

Jrn-Date	Jrn-Page		Action
01/12/01	0063	(S)	READ THE FIRST TIME - REFERRALS
01/12/01	0063	(S)	STA
01/24/01	0160	(S)	COSPONSOR(S): COWDERY
01/25/01		(S)	STA AT 3:30 PM BELTZ 211
01/25/01		(S)	Moved Out of Committee
01/25/01		(S)	MINUTE(STA)

01/26/01	0186	(S)	STA RPT 4DP
01/26/01	0186	(S)	DP: THERRIAULT, PHILLIPS, PEARCE, DAVIS
01/26/01	0186	(S)	FN1: ZERO(S.STA)
01/29/01		(S)	RLS AT 10:45 AM FAHRENKAMP 203
01/30/01	0219	(S)	RULES TO CALENDAR 1/30/01
01/30/01	0222	(S)	READ THE SECOND TIME
01/30/01	0222	(S)	ADVANCED TO THIRD READING UNAN CONSENT
01/30/01	0222	(S)	COSPONSOR(S): TAYLOR, PEARCE
01/30/01	0222	(S)	READ THE THIRD TIME SJR 3
01/30/01	0222	(S)	PASSED Y18 N- E2
01/30/01	0224	(S)	TRANSMITTED TO (H)
01/31/01	0208	(H)	READ THE FIRST TIME - REFERRALS
01/31/01	0208	(H)	MLV
01/31/01	0216	(H)	CROSS SPONSOR(S): MURKOWSKI
02/13/01		(H)	MLV AT 3:30 PM CAPITOL 120

BILL: SJR 8

SHORT TITLE: VOTING SITES AT MILITARY INSTALLATIONS

SPONSOR(S): SENATOR(S) LEMAN

Jrn-Date	Jrn-Page		Action
01/25/01	0171	(S)	READ THE FIRST TIME - REFERRALS
01/25/01	0171	(S)	STA
02/01/01		(S)	STA AT 3:30 PM BELTZ 211
02/01/01		(S)	Moved CS(STA) Out of Committee MINUTE(STA)
02/02/01	0255	(S)	STA RPT CS 4DP NEW TITLE
02/02/01	0255	(S)	DP: THERRIAULT, PHILLIPS, HALFORD, DAVIS
02/02/01	0255	(S)	FN1: ZERO(S.STA)
02/05/01	0268	(S)	RULES TO CALENDAR 2/5/01
02/05/01	0276	(S)	READ THE SECOND TIME
02/05/01	0276	(S)	STA CS ADOPTED UNAN CONSENT
02/05/01	0276	(S)	ADVANCED TO THIRD READING UNAN CONSENT
02/05/01	0276	(S)	READ THE THIRD TIME CSSJR 8(STA)
02/05/01	0277	(S)	PASSED Y20 N-
02/05/01	0278	(S)	TRANSMITTED TO (H)

02/05/01	0278	(S)	VERSION: CSSJR 8(STA)
02/05/01		(S)	RLS AT 10:45 AM FAHRENKAMP 203
02/05/01		(S)	Moved Out of Committee
02/05/01		(S)	MINUTE(RLS)
02/07/01	0254	(H)	READ THE FIRST TIME - REFERRALS
02/07/01	0254	(H)	MLV, STA
02/07/01	0269	(H)	CROSS SPONSOR(S): MURKOWSKI
02/13/01		(H)	MLV AT 3:30 PM CAPITOL 120

WITNESS REGISTER

JOHN JOERIGHT, Intern
with Senator Loren Leman
Alaska State Legislature
Capitol Building, Room 115
Juneau, Alaska 99801
POSITION STATEMENT: Presented SJR 3 on behalf of the sponsor.

MAJOR ART McGETTRICK
(No address provided)
Langley Air Force Base, Virginia
POSITION STATEMENT: Answered technical questions relating to
SJR 3.

LIEUTENANT COLONEL LARRY JONES
(No address provided)
Elmendorf Air Force Base
POSITION STATEMENT: Answered questions relating to SJR 3 and
its impacts on Elmendorf Air Force Base.

SENATOR LOREN LEMAN
Alaska State Legislature
Capitol Building, Room 115
Juneau, Alaska 99801
POSITION STATEMENT: Testified as sponsor of SJR 3 and SJR 8.

SHELLY GROWDEN, Elections Supervisor
Central Region
Division of Elections
Office of the Lieutenant Governor
675 7th Avenue, Suite H3
Fairbanks, Alaska 99701-4594
POSITION STATEMENT: Testified in support of SJR 8.

CAROL THOMPSON, Elections Supervisor

Southcentral Region
Division of Elections
Office of the Lieutenant Governor
800 East Dimond Boulevard, Suite 3-580
Anchorage, Alaska 99515-2045
POSITION STATEMENT: Testified in support of SJR 8.

ACTION NARRATIVE

TAPE 01-2, SIDE A
Number 0001

CHAIR MIKE CHENAULT called the House Special Committee on Military and Veterans' Affairs meeting to order at 3:39 p.m. Members present at the call to order were Representatives Chenault, Murkowski, Green, Kott, and Hayes. Representative Masek arrived as the meeting was in progress.

SJR 3 - F-22 RAPTOR AIRCRAFT AT ELMENDORF AFB

Number 0071

CHAIR CHENAULT announced that the first order of business would be SENATE JOINT RESOLUTION NO. 3, Relating to the deployment of F-22 Raptor aircraft at Elmendorf Air Force Base.

Number 0170

JOHN JOERIGHT, Intern with Senator Loren Lemam, Alaska State Legislature, presented SJR 3 on behalf of Senator Lemam, sponsor. He explained that SJR 3 encourages the United States Air Force to deploy its second wave of F-22 Raptor aircraft at Elmendorf Air Force Base (AFB), for several reasons. First, during the construction phase alone, the aircraft will generate between \$150 million and \$300 million to the Alaskan economy, creating 146 new jobs. Second, the F-22 Raptor will replace the aging F-15 "air superiority" aircraft, ensuring United States air dominance for the next three decades.

MR. JOERIGHT informed members that air superiority is a prerequisite to successful military operations. Alaska is a "forward" base, with perhaps the most strategic location in North America. With other nations on the verge of developing fighter aircraft on a par with the F-15, Alaska should have the world's best fighter aircraft to combat lethal threats from foreign powers.

MR. JOERIGHT pointed out that committee packets included current information on the F-22. He advised members that Major Art McGettrick of Langley AFB in Virginia was online to answer technical and tactical questions, and Lieutenant Colonel Larry Jones of Elmendorf AFB was online to address questions pertaining to Elmendorf-specific impacts.

Number 0308

REPRESENTATIVE KOTT asked whether the first wave of staging will be at Langley AFB.

Number 0345

MAJOR ART McGETTRICK clarified via teleconference that the preferred alternative of the U.S. Air Force is Langley AFB, pending the results of the environmental study and a final decision by the U.S. Department of Defense; it is not official yet. In answer to a further question, he said the original operational "bed-down" for the F-22 begins in 2004. The first squadron becomes operational in 2005, but the other two squadrons in this first phase will be complete by 2007. Between 2004 and 2007, therefore, the Air Force would like to put three squadrons in one location; that is the first base. Elmendorf AFB is one of five being considered, with Langley AFB the preferred alternative. In two or three years, the Air Force would go through the same process again, with another environmental study, to determine the second operational base.

Number 0480

REPRESENTATIVE KOTT asked what locations Elmendorf AFB is competing with for that second "wave" of F-22s.

MAJOR McGETTRICK specified that the initial five bases were Langley AFB, Eglin AFB in Florida, Tyndall AFB in Florida, Mountain Home AFB in Idaho, and Elmendorf AFB. No decision has been made, he said. But unless something changes significantly, he suspects that if Langley AFB gets the first three squadrons, then the remaining four F-15 bases would be considered for the second round. Depending on what BRAC [Base Realignment and Closure Commission] does, perhaps another base would be added, but that is not the expectation.

Number 0581

LIEUTENANT COLONEL LARRY JONES specified via teleconference that he would address any questions relative to Elmendorf AFB specifically. "My responses will be caveated based on the environmental impact study to this point," he added. "Again, the final of this environmental impact study for round one of the operational bed-down, the F-22, will be released in April."

Number 0625

REPRESENTATIVE MURKOWSKI noted that the written sponsor statement indicates one bonus of having the F-22 at Elmendorf AFB would be a significant addition of new personnel [846] over a three-year period. It further indicates that two of the F-15C squadrons would be replaced by three [F-22] Raptor squadrons. She asked how many personnel would be affected if [Elmendorf AFB] were to get these Raptor squadrons.

LIEUTENANT COLONEL JONES specified that replacing the two smaller C-model squadrons with the three larger F-22 squadrons would equate to an increase of 286 assigned military and civilian personnel at Elmendorf AFB. The [846] number relates to jobs that include the construction phase and the upgrade-of-the-facility phase that would occur between 2002 and 2005.

Number 0720

REPRESENTATIVE MURKOWSKI asked what kind of facilities upgrades would be required for the new aircraft.

LIEUTENANT COLONEL JONES answered that there are several proposals right now at Elmendorf AFB, although not specifically based on the F-22; those are infrastructure upgrade requirements being undertaken in that timeframe anyway. Primary new construction for the first three squadrons of F-22s would include a firing squadron; F-22 operations and maintenance squadrons; eight-bay drive-through facilities to hangar the airplanes; and any restoration and composite repair facility. In addition, there would be upgrades to some aprons and (indisc.), along with some new construction, and an upgrade to the engine shop and some other structures.

Number 0794

REPRESENTATIVE KOTT asked Major McGettrick whether he knows if the Air Force plans to replace all of the F-15s in the fleet with F-22s. He inquired about the potential of Elmendorf AFB competing with other bases for that second wave.

MAJOR McGETTRICK said in answer to the first question, "they" are not building enough F-22s to replace every squadron at every base; right now, with the current "buy," the plan is for 339 aircraft, which would not replace one-for-one the amount of F-15s. Those numbers could increase or decrease in the future, he noted.

REPRESENTATIVE KOTT suggested that if there hasn't been a decision to replace the entire fleet of F-15s, then, for those bases with F-15s the desire would probably be to replace those F-15s in their entirety, rather than deleting one squadron of F-15s and adding another squadron of F-22s, just because of the mechanics of it.

MAJOR McGETTRICK responded:

You're right on that. I have ... no ability to predict what decision they would make, but that would be a consideration. And the other one may be, ... as the next BRAC rounds occur, maybe there'll be one or two less bases competing because of that. But ... I have no idea what decisions will be made along that line.

Also, as far as how does Elmendorf compete, in the ... draft environmental impact statement that is currently going final now, it appears to have competed very well. I don't [know] if additional bases would be added. The plan, at least for this first round, was to only consider current F-15C bases because the F-22 is considered a replacement for the F-15C. So, I think it would be a significant change to consider a base that currently has other aircraft, but, once again, I guess I could not rule that out.

Number 1026

REPRESENTATIVE KOTT asked how many F-22s would be needed to replace the F-15Cs at Langley AFB.

MAJOR McGETTRICK answered that he believes Langley AFB has "in the high 60s" for F-15s now, but he didn't have a copy with him of the draft environmental impact statement (EIS), which lists that information. He added, "What they're talking about, for the additional operational bed-down, is 72 combat-coded aircraft, with several extras for attrition reserve."

LIEUTENANT COLONEL JONES specified that Langley AFB currently has "66 combat-coded and then the attrition reserve."

REPRESENTATIVE KOTT asked how many would be required at Elmendorf AFB to replace the F-15Cs.

LIEUTENANT COLONEL JONES answered that there is a slight difference between what would be required to replace the F-15Cs at Elmendorf AFB or any given base, as far as covering the mission. It really comes down more to infrastructure report. He explained that normally, they've found that if they "bed down" multiple squadrons at a location, there is a "synergy there for the support side of it, to lessen the cost." Although he didn't know the answer, the EIS study was based on the first round of bed-down, which includes 72 F-22s, but that doesn't mean in the follow-on rounds that necessarily they would be looking at 72, which would be three "24 PA" squadron F-22s. [The second round] could one or two [squadrons].

MAJOR McGETTRICK agreed with Lieutenant Colonel Jones that on the additional rounds, they would like to put three squadrons in one place, for a building-block approach, so that the first squadron can help train the next, and so forth, to get a synergy of resources in personnel. That second round may just be one or two squadrons, rather than three.

Number 1167

REPRESENTATIVE GREEN asked: If a fewer number of F-15Cs are being replaced with F-22s, why is the EIS necessary, and what would it show as far as an impact?

LIEUTENANT COLONEL JONES answered that "we" do an EIS whenever bedding down a new weapons system, at any location. It is not necessarily an increase of numbers of aircraft at a location. Every aircraft is different. The F-22 is structurally different "avionics-wise" from the F-15. The sound contours are different, as are the engine emissions, the flight profiles, and how training is done. The EIS is done regardless of the numbers that are bedded down at a location.

Number 1235

REPRESENTATIVE GREEN noted that an EIS is a matter of public record. He asked whether there is any potential for getting into a classified area.

MAJOR McGETTRICK responded that the EIS is entirely unclassified. It still covers pretty much the full gamut of impacts, including those related to economics, visual factors, noise, emissions, groundwater, "and all those things that we're required by law to do years in advance of any kind of bed-down."

CHAIR CHENAULT noted the presence of Representative Masek, Senator Leman, and Representative Foster.

Number 1308

REPRESENTATIVE MURKOWSKI referred to page 1, line 15, which read:

WHEREAS the United States Air Force plans to begin deploying the F-22 Raptor in 2005 and to procure 339 F-22 Raptor aircraft by the end of 2013; and

She noted that President Bush is looking at the military "from the top down," and said she has read articles suggesting that some programs underway are open for discussion.

MAJOR McGETTRICK said the new [federal] administration is looking at every system and service, with studies and proposals being done right now to look at less F-22s and more F-22s, "just depending on what decision they make." He emphasized that it is unknown what the decision will be, then added:

It's very clear, for those familiar with the program and its capabilities, and what the threat is out there, that the F-22 or something very much like it is needed in the near future for the United States to be able to handle the threat. But you are correct in saying that hopefully it will still be supported, but we can't guarantee that.

REPRESENTATIVE MURKOWSKI asked whether, in Major McGettrick's opinion, [the legislature] is wise to insert a specific deadline and count regarding the F-22.

MAJOR McGETTRICK answered:

At this point in the program, they are on track to meet the initial operational capability at that first base, in December of 2005. We could see, maybe, some changes in the matter of a handful of months, but

there is no indication or reason we have right now that it would change significantly from the dates that we have. Those dates are for the initial base, though. The second bed-down would not occur until somewhere in the 2007 or 2008 timeframe for that next phase.

Number 1481

CHAIR CHENAULT asked whether anyone had questions; there was no response.

Number 1548

REPRESENTATIVE MURKOWSKI read from page 2, line 15, which stated:

WHEREAS the strategic location, joint training opportunities, and experimentation opportunities, together with unmatched community support, in Alaska have been noted by senior military leaders in Alaska;

REPRESENTATIVE MURKOWSKI suggested Alaska's strategic location, joint training opportunities, and experimentation opportunities sell Alaska above and beyond any other location, "in addition to our unmatched community support." She asked Senator Leman whether he would be averse to amending that "whereas" clause to add more superlatives, to say that it has been "positively noted", for example, or that "our strategic location is ... unmatched or unparalleled."

SENATOR LOREN LEMAN, Alaska State Legislature, sponsor of SJR 3, concurred that Alaska is unique, saying he is delighted that the military leaders have said the same thing. He indicated that for many military people, Alaska is the top request for assignment. He said the language sounds good to him as written, but he has no problem with amending it to add more.

CHAIR CHENAULT closed public testimony.

Number 1682

REPRESENTATIVE MURKOWSKI made a motion to adopt a conceptual amendment to "beef up that 'whereas'" [page 2, beginning at line 15]. She suggested it could be as simple as saying "these assets have been noted positively by senior military leaders in Alaska."

REPRESENTATIVE KOTT concurred and suggested adding even more zeal to it. He pointed out that military leaders across the country, not just senior military leaders in Alaska, have recognized the importance of the strategic and training opportunities at Elmendorf AFB. Ample information out there suggests Elmendorf AFB is a vital asset to the defense of the country. He referred to the BRAC and commented, "We fared extremely well; in fact, we grew as a consequence of that. That's a recognition right there of the importance." He mentioned perhaps taking out "in Alaska" and adding some national flavor. He suggested there would be a couple of days to do a floor amendment.

REPRESENTATIVE MURKOWSKI agreed with Representative Kott's suggestion that it shouldn't be limited just to military leaders in Alaska. She stated, "I wouldn't have any problem just saying, 'Let's adopt a conceptual amendment to beef it up, not limited ... to just those senior military leaders in Alaska,' and have it fixed up in [the House] Rules [Standing Committee]."

REPRESENTATIVE MASEK said she thought it was a good idea.

CHAIR CHENAULT asked whether everyone concurred.

REPRESENTATIVE GREEN said it sounded fine.

[There were no objections stated, and the conceptual amendment was treated as adopted.]

Number 1840

REPRESENTATIVE MASEK made a motion to move SJR 3, as amended, out of committee with the attached zero fiscal note; she asked for unanimous consent. There being no objection, HCS SJR 3(MLV) was moved out of the House Special Committee on Military and Veterans' Affairs.

[This action was rescinded later in the meeting in order to adopt another amendment before moving the resolution from committee.]

SJR 8 - VOTING SITES AT MILITARY INSTALLATIONS

CHAIR CHENAULT announced that the next order of business would be CS FOR SENATE JOINT RESOLUTION NO. 8(STA), Relating to supporting polling places at military installations. He

confirmed that Shelly Growden and Carol Thompson from the Division of Elections were online.

Number 1959

SENATOR LOREN LEMAN, Alaska State Legislature, sponsor of SJR 8, explained to members that SJR 8 addresses a situation that arose about a year before the last general election. It "came to a head" during the summer, he said, and the challenge was averted by congressional action.

SENATOR LEMAN offered some history. For years, military personnel in Alaska who lived on bases and posts were able to vote on their bases or posts, right in their own neighborhoods. There was access to schools or other facilities on these bases and posts to conduct the elections. It was a good thing, and it was convenient. However, in December 1999, the U.S. Department of Defense issued a directive that advised installation commanders not to allow their facilities to be used for polling or voting sites. This was temporarily averted by amendments placed in an appropriations bill that made the effective date of that directive December 31, 2000, after the last general election.

SENATOR LEMAN pointed out that this year there will be a wave of municipal elections; the first election occurs in April in the Municipality of Anchorage, his own community. Election officials must start planning months in advance. If something isn't done, there is concern about having access to polling places by military personnel on Alaska's four military installations.

SENATOR LEMAN advised members that there are two ways to remedy the directive's impacts. First, the Department of Defense could rescind its directive. Second, there could be congressional legislation that tells the Department of Defense it isn't illegal to allow voting on the military installations, and that discretion would be left with the base or post commander; it would be similar to federal H.R. 5174 [copy in committee packets]. Senator Leman said SJR 8 does the first, and Congress is already working on the second.

SENATOR LEMAN voiced his belief that military men and women should be able to exercise the same right that they defend for others: the right to vote. He commended the Division of Elections and the election officials online for doing a fine job of making voting available to as many Alaskans as possible.

Number 2135

REPRESENTATIVE MURKOWSKI asked whether only Alaska, Hawaii, and possibly one other state actually have voting on military installations.

SENATOR LEMAN said he believed so. He suggested other states should be as forward-thinking as Alaska in making voting available. He stated his understanding that the directive had been previously issued "but in many cases it was sort of understood that the commanders sort of could ignore it." When the directive came down this time, however, it caused concern. That is why there is strong action being taken by Congress, he indicated, which he believes is appropriate.

Number 2217

REPRESENTATIVE HAYES referred to a letter in packets from the General Counsel of the Department of Defense. He said it sounds as if the basis of the argument for not allowing voting on military bases relates to a strict policy of separating military activities from political activities. He asked, "Do we have a response to that, other than we want to allow better access to our military members to vote?"

SENATOR LEMAN replied:

My response is that bases and posts are homes to ... the people who are assigned to work there and live there. And just like we treat our neighborhood polling places, polling should be available to them, to be as convenient as possible.

One of the things the military has done ... is try to locate - with the local officials - locate polling places where it wasn't obviously in an area of engagement. ... And that's why schools have been good locations. ...

You don't necessarily want to have people confronting military activity. You want them to come to a place where they feel secure, safe, private, and all these things that we expect of a polling place, and yet there's been ... no effort that I'm aware of to ever ... connect military voting with any overt political activity. We just want to see people engaged in --

and are allowed, and make it convenient for them to participate in voting. ... Nobody's telling them how to vote; there's ... no activity like that that would be associated with it.

Number 2298

REPRESENTATIVE HAYES said he likes this resolution a great deal. However, he would like additional language. If voting is allowed on posts and bases, he said, his opinion is that campaigning for candidates who live in that district should be allowed there also. Although it would be construed as more partisan, if the desire is to make the living environment and home environment for military members more accessible and convenient, that would go hand in hand.

SENATOR LEMAN responded that he doesn't disagree. It is a little frustrating, with the high turnover rate, to have the inability to interact at the same level with the people whom he represents at Elmendorf Air Force Base (AFB) as is possible with others in his community. For example, he cannot go door to door there, which he respects. He has suggested, however, community forums in which all candidates can participate, particularly in local elections; he believes that if community activities like that are conducted properly, it could be beneficial for [military personnel] as well as the rest of the community.

Number 2397

REPRESENTATIVE KOTT agreed it would be nice for those representing the military personnel to have the opportunity to go door to door. He indicated there are reasons for the longstanding policy regarding campaigning, however, including security, whereas SJR 8 relates to voting locations on bases that existed previously. He questioned whether one could turn back regulations [regarding campaigning] that have been in effect for so long.

Number 2474

REPRESENTATIVE MURKOWSKI noted that the letter from the general counsel, mentioned by Representative Hayes, opposes the congressional legislation.

TAPE 01-2, SIDE B
Number 2474

REPRESENTATIVE MURKOWSKI said in Alaska it has been a tradition to allow voting at Elmendorf AFB, Eielson AFB, Fort Richardson, and Fort Wainwright. She suggested adding clarification by inserting that it disrupts the traditional authority of the military base and post commanders "in Alaska". Based on that letter, she said, it would appear that the Department of Defense believes its policy has been longstanding prohibition, and that in Alaska it has been interpreted differently or ignored.

Number 2426

SENATOR LEMAN said he couldn't speak to longstanding practice in other states, but believes in Alaska the longstanding practice has been to allow the voting, which has taken place without incident or complaints.

SENATOR LEMAN referred to a letter in packets to Secretary of Defense William Cohen, dated October 17, 2000. He read from a paragraph on page 2 of the letter, which stated:

Finally, H.R. 5174 provides ample discretion to the Department in choosing to allow these election operations when they are compatible with the facilities' mission.

SENATOR LEMAN commented that it still leaves the discretion in the hands of the local commander. He continued reading:

The practice of some base commanders who have made facilities available for service men and women, their families, and support staff is commendable especially in isolated areas.

SENATOR LEMAN remarked that he believes [Alaska's] election law says the polling place will be in the precinct unless there is some compelling reason for it to be located elsewhere; not allowing voting on a base or post would violate that. He acknowledged that a compelling reason could exist when a school is closed for repairs, for example.

Number 2333

REPRESENTATIVE MURKOWSKI referred again to the first "whereas" in SJR 8 [page 1, line 4], which read:

WHEREAS the Department of Defense (DoD) issued a directive that disrupted the traditional authority of

military base and post commanders to allow local election officials to set up voting booths at military installations; and

REPRESENTATIVE MURKOWSKI again proposed saying it has disrupted the tradition in Alaska.

SENATOR LEMAN said he has no problem with that clarification. He suggested the resolution is far more powerful if it speaks to Alaska's own tradition rather than another state's.

Number 2253

SHELLY GROWDEN, Elections Supervisor, Central Region, Division of Elections, Office of the Lieutenant Governor, testified via teleconference. She advised members that in her jurisdiction are Fort Wainwright and Eielson AFB. During the 2000 election process, it was extremely difficult for her to get word regarding whether [the Division of Elections] would be allowed to have a polling place on base. She commented, "I believe I brought the directive to their attention once I learned of the directive and other states were having problems."

MS. GROWDEN said for Eielson AFB's 6,000 voters, she was told on July 6, 2000 - a month before the primary election - that she couldn't have a polling place on base. That left her scrambling to find a new location. Furthermore, [the Division of Elections] is required to submit for preclearance through the Department of Justice, which requires about a 60-day process when there is a change in a polling place, and to notify the voters. That put unnecessary stress on Ms. Growden's office. She added, "And that is when we had requested assistance from [U.S.] Senator Ted Stevens and other congressional members on having the directive not be in place for the 2000 election cycle."

MS. GROWDEN told members that as an election official, she doesn't want to see military voters just voting in presidential elections. They do participate, as they should, in local elections. If polling places were moved off base, she believes it would adversely affect voter turnout, "which is already low for our military voters."

MS. GROWDEN specified that the Division of Elections supports this resolution; they are looking at elections coming up in 2001, wondering where the polling places will be. Although it may seem easy to move the polling places off base, these are

very large, wholly contained precincts; only voters residing on the bases are assigned to those precincts. Few public facilities around these bases can be used to add another precinct; most of the public facilities already are being used as polling places, and it would put stress on those. Furthermore, if a polling place is moved from Eielson AFB, those voters will have to drive ten miles to North Pole, for example, and some may not have transportation. She strongly encouraged support of SJR 8.

Number 2113

CAROL THOMPSON, Elections Supervisor, Southcentral Region, Division of Elections, Office of the Lieutenant Governor, testified via teleconference. Responsible for Elmendorf AFB and Fort Richardson, Ms. Thompson told members she didn't have the difficulties of Ms. Growden's area. However, she is supportive of continuing to have access to polling places on base. Fort Richardson's voters, for example, would have to travel a distance to a [different] polling place, which she agrees would probably lower voter turnout, especially in local elections. Ms. Thompson said she is very supportive [of SJR 8], and encouraged members' support.

Number 2082

REPRESENTATIVE MURKOWSKI noted that although voter turnout was low statewide for the primary election, she believes District 14, which contains Elmendorf AFB, had the lowest turnout in the state. She asked whether Ms. Thompson attributes any of that to the change in polling place for Elmendorf AFB from the Talkeetna Theater, the traditional place, to Mount Spurr [Elementary School].

MS. THOMPSON replied that she received no public comment; to her knowledge, there were no complaints about the move. She then said no, she believes that the locations were well marked, and information was provided to the voters. She added that there was a really good turnout, she believes, for the general election.

REPRESENTATIVE MURKOWSKI referred to written comments provided by Ms. Thompson, dated January 26. She noted that for Elmendorf AFB, the impact wouldn't be as great as for Fort Richardson, since other facilities are just outside the gates into Elmendorf AFB. Representative Murkowski said she lives on Government Hill; Government Hill Elementary is the voting place for her own

precinct, which is right outside the gates. She pointed out that the school cannot accommodate the Elmendorf AFB voters.

MS. THOMPSON replied that in the primary election, she had to move out of the elementary school and conduct voting at the Round and Square Dance (ph), which "has offered to let us come back." In reply to further comments, she affirmed that the Round and Square Dance could be the place for voting for Elmendorf AFB, although staying on base is preferred.

Number 1935

REPRESENTATIVE HAYES noted that the letter from the General Counsel of the [Department of Defense] is very strong; it lays out [federal] criminal statutes that need to be changed, as well as other apparent problems regarding holding elections on bases or posts. He asked whether [the Division of Elections] has considered a backup plan if voting cannot be conducted on base.

MS. THOMPSON replied that she had looked at other facilities. Keeping in mind that she could probably go to the Round and Square Dance area for Elmendorf AFB, another possibility is doing extensive recruitment, on voting by mail, for example. For Fort Richardson, she would have to try to find the closest facility outside the base, perhaps Muldoon Elementary School or something closer to Eagle River.

Number 1887

REPRESENTATIVE MURKOWSKI referred to Senator Leman's mention of a requirement that "you have to have the polling place within your precinct unless there's some kind of extenuating circumstances." She asked whether that is in statute.

MS. GROWDEN answered that [AS] 15.15.090 requires that a polling place be located inside the precinct unless there is a more suitable location in an adjoining precinct. In response to a further question, she agreed there is not a more suitable location off base, then said, "I would imagine that we would be in violation of our statute if we did move the locations off the bases. ... So perhaps we would be in violation or need a statutory change."

Number 1822

REPRESENTATIVE KOTT noted that the letter from the General Counsel of the Department of Defense recommends that

installation vendors not use their facilities for polling or voting sites because it may inadvertently violate one or more statutory prohibitions. Representative Kott said it isn't clear whether the conduct of those elections on the installation would violate it, but there is a potential. Recalling a discussion a couple of years ago, he asked whether the schools on the base weren't given back to the municipality.

SENATOR LEMAN replied that it was more than two years ago when "fix-ups" were identified and 11 schools were fixed up to a standard "whereby we can transfer the school itself." He said the property that the school is on, he believes, is still owned by the Department of Defense or the GSA [General Services Administration] or some other entity; it was a convoluted ownership, and multiple agencies participated in the fix-ups. However, he believes that ownership of the schools themselves has been transferred, and they now are owned and operated by the local school districts. He said he may be wrong about some of them, but he believes that is what transpired.

Number 1708

REPRESENTATIVE KOTT said if that is the case, he wonders whether those schools are now considered a part of the installation facilities; if not, there is no reason that polling locations couldn't be held in the schools. He wondered whether, once this memorandum came out, anyone had pursued that. He suggested that may be a loophole to get out from underneath this.

SENATOR LEMAN agreed that is a possibility. He said he would guess that in the transfer agreement there probably is the provision that the school is still under the authority of the installation commander, certainly when it conflicts with the military mission; he would guess that they retain that overall oversight. He added, "But in terms of functioning as a school - and even, perhaps, as a polling place - you may be right. I just don't know. But that would be something interesting to pursue." He stated his understanding that there are "activities going on to fix this." He said he hopes it will happen soon.

Number 1623

REPRESENTATIVE MURKOWSKI asked how much lead time the election supervisors online need in terms of getting notices out to the voters for these municipal elections that are coming up.

MS. THOMPSON answered that the Municipality of Anchorage is in the process of recruiting its polling places. She added that "we" require 60 days' preclearance for a polling place change; at that time, voter notification would also have to be sent out, which has a pretty fast turnaround time.

REPRESENTATIVE MURKOWSKI commented, "So you need to know now."

MS. THOMPSON agreed.

CHAIR CHENAULT thanked Ms. Growden and Ms. Thompson for their participation.

Number 1561

REPRESENTATIVE HAYES asked Senator Lemman what type of "fix" Alaska's congressional delegation is looking at, and whether there is now a piece of legislation in the Senate. He said it sounds as if some type of legislation will be needed to go with the criminal statutes, which he suggested provide some of the strongest arguments for not having polling places on posts or bases.

SENATOR LEMMAN specified that he believes that the best way to provide a permanent "fix" is through legislation passed by Congress and signed by the President. A short-term solution is to at least get the Department of Defense to modify or rescind its directive, to give states that have traditionally allowed this voting [the right] to continue. His understanding, he said, is that it is being pursued on both fronts.

Number 1489

REPRESENTATIVE KOTT pointed out that the memorandum that suggests there may be a problem was issued in December 1999. However, Alaska has been doing elections on military installations for a long time. He said:

It may be that somebody has interpreted the code differently. I think what I'll have my staff do is look up the code and see what provisions that they may think we would be violating, based on certain types of activity, and you could certainly craft a plan that, if narrowly constructed, could work around the possibilities that they're talking about in the memorandum, where you wouldn't violate anything, if you followed these I think we'll investigate the

18 U.S.C. statute and try to determine what, if anything, the problem was, by holding the polling locations on any of the military installations. That, and the school thing, ... may be what's needed to send the office that we got this directive from the whole story, give them the whole picture.

REPRESENTATIVE KOTT suggested going back to the [school-related] legislation as well.

[There was a brief mention by members that the schools in the Anchorage area had been transferred, and that members didn't know the status in Fairbanks.]

CHAIR CHENAULT asked whether anyone else wished to testify; there was no response.

Number 1375

REPRESENTATIVE MURKOWSKI made a motion to adopt a conceptual amendment in the first "whereas" clause [which began on page 1, line 4], to insert the words "in Alaska" after the word "commander[s]". She stated her understanding that the sponsor did not have a problem with that amendment.

CHAIR CHENAULT asked whether there was any objection. There being no objection, the amendment was adopted.

Number 1320

REPRESENTATIVE MURKOWSKI made a motion to move CSSJR 8(STA), as amended, out of committee with individual recommendations and the attached zero fiscal note. There being no objection, HCS CSSJR 8(MLV) was moved out of the House Special Committee on Military and Veterans' Affairs.

SJR 3 - F-22 RAPTOR AIRCRAFT AT ELMENDORF AFB

Again brought before the committee was SENATE JOINT RESOLUTION NO. 3, Relating to the deployment of F-22 Raptor aircraft at Elmendorf Air Force Base.

Number 1302

REPRESENTATIVE KOTT made a motion to rescind the committee's previous action that day in moving HCS SJR 3(MLV) from

committee, in order to add a second amendment. There being no objection, SJR 3 was before the committee again.

REPRESENTATIVE KOTT proposed amending page 2 so that General Schwartz receives the resolution, since this is his installation. He said he had talked to the sponsor about adding other individuals, and asked Senator Leman to clarify.

SENATOR LOREN LEMAN, Alaska State Legislature, sponsor, clarified that he had suggested adding three people: Donald Rumsfeld, the U.S. Secretary of Defense; [Lieutenant] General Norton Schwartz; and Admiral Dennis Blair. Those three individuals are listed on SJR 8 [which the committee had just heard]. He thanked Representative Kott for bringing this to his attention.

Number 1184

REPRESENTATIVE KOTT amended his motion to include the Honorable Donald Rumsfeld, General Schwartz, and Admiral Blair. There being no objection to the amendment, it was adopted.

REPRESENTATIVE KOTT made a motion to move SJR 3, as amended, out of committee with individual recommendations. There being no objection, HCS SJR 3(MLV) was moved out of the House Special Committee on Military and Veterans' Affairs.

ADJOURNMENT

There being no further business before the committee, the House Special Committee on Military and Veterans' Affairs meeting was adjourned at 4:57 p.m.